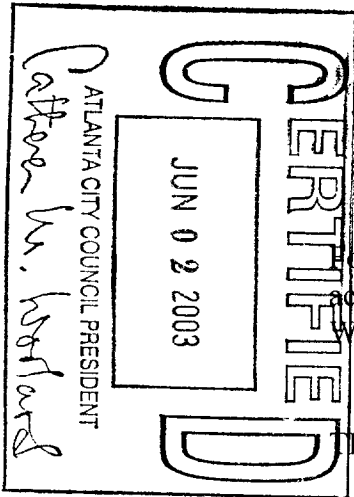


ADVERSED  
JUN 02 2003

Entered - 07/11/02 - sb  
CL02L0473 - DIANNE C. MITCHELL

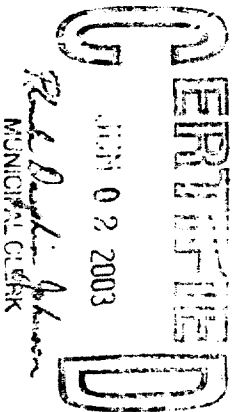
CLAIM OF: **CRAIG MCANSH,**  
through his attorney,  
**Gordon C. Tomlinson**  
Suite 100  
4385 Kimball Bridge Road  
Alpharetta, Georgia 30022

03-R-0811



For damages alleged to have been sustained as a result of a vehicular accident due to a malfunctioning traffic signal on June 10, 2002 at Williams and Baker Streets.

THIS ADVERSED REPORT IS APPROVED



BY: \_\_\_\_\_

**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: P.S.

CHAIR: 5/27/03

C. T. Munn

R. L. Munn

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

June 9, 2003

Gordon C. Tomlinson  
Attorney at Law  
4385 Kimball Bridge Toad  
Suite 100  
Alpharetta, GA 30022

03-R-0811

RE: Craig McAnsh

Dear Attorney Tomlinson:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 02, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0473

Date: May 5, 2003

Claimant/Victim CRAIG MCANSH  
BY: (Atty.) Gordon C. Tomlinson  
Address: Suite 100, 4385 Kimball Bridge Road, Alpharetta, Georgia 30022  
Subrogation: Claim for Property damage \$ Not Stated Bodily Injury \$  
Date of Notice: 07/10/02 Method: Written, proper X Improper   
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 06/10/02 Place: Williams and Spring Streets  
Department Public Works Division: Traffic and Transportation  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges his vehicle was damaged when he was involved in a vehicular accident due to the malfunction of a traffic signal. The investigation determined that the City was not negligent in the maintenance of the traffic signal in question. Furthermore, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
 Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police   X   Dept Report   X   Other \_\_\_\_\_  
 Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
 Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental           X           Ministerial                                   
Improper Notice                                  More than Six Months                                  Other           X           Damages reasonable                                   
City not involved                                  Offer rejected                                  Compromise settlement                                   
Repair/replacement by Ins. Co.                                  Repair/replacement by City Forces                                   
Claimant Negligent                                  City Negligent                                  Joint                                  Claim Abandoned                                 

Respectfully submitted,

**INVESTIGATOR - DIANNE C. MITCHELL**

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse ☒ Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_  
 Claims Manager: *[Signature]* Concur/date 05-12-03  
 Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4761  
6/02/03  
2:42 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs.1-11 Except:03-O-0767; 03-O-0706

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	E Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

<b>ITEMS ADOPTED ON CONSENT AGENDA</b>	<b>06/02/03 Council Meeting ITEMS ADVERSE ON CONSENT AGENDA</b>
1. 03-O-0705	32. 02-R-1076
2. 03-O-0837	33. 02-R-1077
3. 03-O-0717	34. 02-R-1078
4. 03-O-0104	35. 02-R-1079
5. 03-O-0663	36. 02-R-1080
6. 03-O-0711	37. 02-R-1081
7. 03-O-0835	38. 02-R-1082
8. 03-O-0836	39. 02-R-1083
9. 03-O-0840	40. 02-R-1084
10. 03-O-0721	41. 02-R-1085
11. 03-O-0786	42. 02-R-1086
12. 03-O-0587	43. 02-R-1087
13. 03-O-0781	44. 02-R-1088
14. 02-R-1351	45. 02-R-1089
15. 03-R-0822	46. 02-R-1090
16. 03-R-0823	47. 02-R-1091
17. 03-R-0825	48. 02-R-1092
18. 03-R-0828	49. 02-R-1093
19. 03-R-0829	50. 02-R-1094
20. 03-R-0832	51. 02-R-1095
21. 03-R-0833	52. 02-R-1096
22. 03-R-0820	53. 02-R-1097
23. 03-R-0821	54. 02-R-1098
24. 03-R-0845	55. 02-R-1099
25. 03-R-0846	
26. 03-R-0789	
27. 03-R-0790	
28. 03-R-0791	
29. 03-R-0792	
30. 03-R-0793	
31. 03-R-0794	

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Consent I Vote:           13Yeas; 0Nays: (See RCS #4761)  
Items Removed from the Consent Agenda: 03-O-0767; 03-O-0706